

ELECTRONIC CIGARETTE REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the provision of electronic cigarette products.

Highlighted Provisions:

This bill:

► sets a limit for nicotine content for an electronic cigarette product that may be sold in the state.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-57-103, as last amended by Laws of Utah 2021, First Special Session, Chapter 12

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-57-103** is amended to read:

26-57-103. Electronic cigarette products -- Labeling -- Requirements to sell -- Advertising.

(1) The department shall, in consultation with a local health department and with input from members of the public, establish by rule made in accordance with Title 63G, Chapter 3,



28 Utah Administrative Rulemaking Act, the requirements to sell an electronic cigarette substance
29 that is not a manufacturer sealed electronic cigarette substance regarding:

- 30 (a) labeling;
- 31 (b) nicotine content;
- 32 (c) packaging; and
- 33 (d) product quality.

34 (2) On or before January 1, 2021, the department shall, in consultation with a local
35 health department and with input from members of the public, establish by rule made in
36 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements
37 to sell a manufacturer sealed electronic cigarette product regarding:

- 38 (a) labeling;
- 39 (b) nicotine content;
- 40 (c) packaging; and
- 41 (d) product quality.

42 (3) (a) A person may not sell an electronic cigarette substance unless the electronic
43 cigarette substance complies with the requirements established by the department under
44 Subsection (1).

45 (b) Beginning on July 1, 2021, a person may not sell a manufacturer sealed electronic
46 cigarette product unless the manufacturer sealed electronic cigarette product complies with the
47 requirements established by the department under Subsection (2).

48 (4) (a) A local health department may not enact a rule or regulation regarding
49 electronic cigarette substance labeling, nicotine content, packaging, or product quality that is
50 not identical to the requirements established by the department under Subsections (1) and (2).

51 (b) Except as provided in Subsection (4)(c), a local health department may enact a rule
52 or regulation regarding electronic cigarette substance manufacturing.

53 (c) A local health department may not enact a rule or regulation regarding a
54 manufacturer sealed electronic cigarette product.

55 (5) A person may not advertise an electronic cigarette product as a tobacco cessation
56 device.

57 (6) Beginning October 1, 2023, the department shall set a standard for nicotine content
58 that:

- 59 (a) for a product described in Subsection (1), does not exceed:
60 (i) 360 milliliters per container; or
61 (ii) a 24 milligrams per milliliter concentration of nicotine; and
62 (b) for a product described in Subsection (2), does not exceed:
63 (i) 3% nicotine by weight per container; or
64 (ii) a 36 milligrams per milliliter concentration of nicotine.